

REMARKS

In response to the above-identified Office Action, Applicants have amended the application and respectfully request reconsideration thereof. In this response claims 1, 3, 5 and 7 have been amended.

Claim Rejections under 35 U.S.C. § 103

Claims 1-11 have been rejected under 35 U.S.C. §103(a) as being unpatentable over European Patent EP 1 024 661 A2 to Gagnon et al. (hereinafter "Gagnon") in view of U.S. Patent 6,032,197 to Birdwell et al. (hereinafter "Birdwell").

To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. "The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicants' disclosure." In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicants respectfully submit that claims 1-11 are not rendered obvious by Gagnon and Birdwell for the reasons and explanations set out below.

With respect to claim 1, Applicants respectfully submit that Gagnon and Birdwell do not teach, disclose, or suggest all the limitations of claim 1. In particular, they do not teach or suggest the following element of claim 1:

"transmitting a single broadcast session on a broadcast transmission channel; and transmitting broadcast overhead information interleaved with the single broadcast session on the broadcast transmission channel."

Gagnon is directed toward a system and method for displaying a pictographic program guide to assist users in determining and selecting television viewing options and related services. (Page 1, (57)). The pictographic program guide displays video, text and graphics and generates a user interface that facilitates a user's selection of programs and services. (Col. 1, lines 10-15). Selecting a particular category also selects the template pages that the guide displays. (Col. 7, lines 53-56). Selecting one of the video/picture areas selects the channel associated with the video/picture. (Col. 8, lines 5-6). Making a selection links the receiver to the program guide

tuning information needed to acquire the program. (Col. 8, lines 99-13). The programming sources receive video and audio programming from a number of sources. (Col. 11, lines 45-47). Each service is indicated by various pictograms that represent the program and is chosen by the program provider to illustrate the program content. (Col. 15, lines 42-46). The pictographic program guide finds and processes the various kinds of data that are available at various times within the multi-program data stream. (Col. 29, lines 26-31). Once a user selects a program from the guide, the records contained in the guide's pages allow scheduling of the chosen program. (Col. 30, lines 24-47). Thus, Gagnon is directed to presenting preview information to enable a user to select a broadcast for viewing. However, Gagnon does not disclose or suggest in any way the above-recited element of amended claim 1. Specifically, Applicants are unable to find any disclosure or suggestion by Gagnon for transmitting a single broadcast session on a broadcast transmission channel with the broadcast overhead information interleaved within the single broadcast session.

Birdwell is directed to a system and method for compressing headers in data packets and delivering the compressed packets over a broadcast medium. (Col. 1, lines 7-10). The system transmits both full-length and reduced length data packets. Reduced length data packets have compressed headers derived from the uncompressed headers. (Abstract). A packet compressor sends a series of full length and reduced length data packets to the transmitter. (Col. 6, lines 52-54). Applicants note that the Examiner has cited Birdwell in the rejection of claims 1-11 but has not provided any specific citations or explanations to support the rejection. Applicants further submit that Birdwell does not disclose or suggest in any way the above-recited element of amended claim 1.

Because Gagnon and Birdwell either alone or in combination do not teach or suggest all the limitations of claim 1, Applicants respectfully submits that claim 1 is not rendered obvious by Gagnon or Birdwell.

Additionally, Applicants submit that Gagnon and Birdwell teach away from the combination assumed to have been proposed by the Examiner. Gagnon teaches a program guide that allows users to preview information about programs, not view the programs themselves. The previews contain short photos or video clips of the program content and thus have no need

for header compression to reduce bandwidth utilization. Birdwell teaches using header compression. Thus, the references themselves teach away from the proposed combination.

Since claim 2 depends directly from amended claim 1, and includes additional limitations, claim 2 is also not rendered obvious by Gagnon and Birdwell.

Claim 3 was rejected by the Examiner as being obvious in light of Gagnon in view of Birdwell. Applicants respectfully disagree for the reasons and explanations provided above with respect to claim 1 and submit that claim 3 is allowable.

Because claim 4 depends directly from amended claim 3, and includes additional limitations, claim 4 is also not rendered obvious by Gagnon and Birdwell.

Claim 5 was rejected by the Examiner as being obvious in light of Gagnon in view of Birdwell. Applicants respectfully disagree for the reasons and explanations provided above with respect to claim 1 and submit that claim 5 is allowable.

Because claim 6 depends directly from amended claim 5, and includes additional limitations, claim 6 is also not rendered obvious by Gagnon and Birdwell.

Claim 7 was rejected by the Examiner as being obvious in light of Gagnon in view of Birdwell. Applicants respectfully disagree for the reasons and explanations provided above with respect to claim 1 and submit that claim 7 is allowable.

Since claims 8-11 depend either directly or indirectly from amended claim 7, and include additional limitations, claims 8-11 are also not rendered obvious by Gagnon and Birdwell.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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